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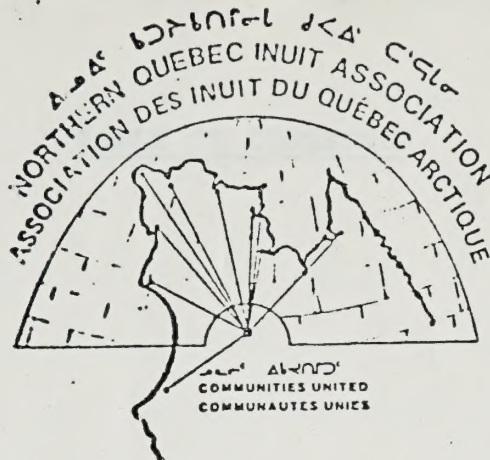
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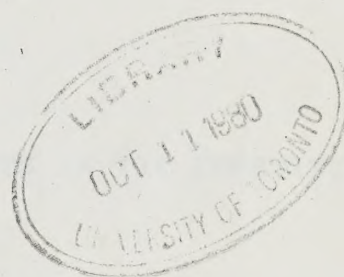
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B R I E F
TO
THE TASK FORCE ON CANADIAN UNITY



Submitted by: Northern Quebec Inuit Association
On behalf of: The Inuit of Quebec

January, 1978

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INTRODUCTION

On behalf of the Inuit of Northern Quebec, we are pleased to appear before the members of this Task Force to present our views on the question of Canadian unity.

Our Association, the Northern Quebec Inuit Association, was formed to promote and protect the rights of the Inuit of Quebec. We represent the majority of the Inuit population in Northern Quebec. Our Association was specifically mandated to negotiate Inuit land claims in Northern Quebec and to enter into the James Bay and Northern Quebec Agreement which settled those claims in 1975. We continue, furthermore, to negotiate with both the federal and provincial governments on all matters which affect the social, cultural, political and economic interests and institutions of the Inuit of Northern Quebec.

We want you to have a clear idea as to who we are and what we represent. The Inuit of Quebec number approximately 5,000 and constitute a significant majority of the inhabitants who occupy that part of Quebec north of the 55th parallel. This territory comprises an area of approximately 250,000 square miles, more than one third of the total area of the Province of Quebec, and has been our homeland for over 4,000 years.

We note that one of the objectives of the Task Force is to determine how the system of Canadian federation might be changed to best suit the aspirations of Canada's two founding peoples. We feel that those changes must also adequately take into account the aspirations of the native peoples of Canada. The Inuit of Quebec have lived here for centuries. We were here before there was either a Canada or a Quebec and before either of the two founding peoples. Moreover, our special status as Canada's and Quebec's original inhabitants - which has already been acknowledged in other areas - must also be reflected in the present unity debate.

We share this distinction as original inhabitants with Canada's other Inuit and Indian peoples. While we do not purport to speak other than for ourselves, the concerns we wish to draw to your attention are those affecting all of Canada's native inhabitants.

We should state at the outset that we subscribe neither to the present constitutional system nor to the separatist option, but rather, fully recognize and support the need for change. The Inuit of Quebec are very concerned with the implications for Canada arising out of all of the issues raised to date in the unity debate. We feel obliged, however, to focus your

attention upon problems about which little or nothing has been heard thus far, and, here, we speak of the problems associated with Canada's northern regions and populations.

With few exceptions, the briefs presented at your hearings in other Canadian cities have dealt with existing polarities between eastern and western Canada and between the two founding cultures. We wish to discuss with you some of the issues which divide the northern and southern extremes of this country and, in particular, the issues which affect Canada's native inhabitants in the north in their relationships with predominantly non-native populations in the south.

As we indicated earlier, we have struggled against considerable odds to achieve substantial modifications in our own social, political and jurisdictional arrangements with both the federal and Quebec governments through the James Bay and Northern Quebec Agreement. With this recently acquired experience, we have a special appreciation of the magnitude of the problems respecting constitutional and jurisdictional reform. In light of this, we intend to participate fully in any process involving restructuring of the Canadian constitution. To that end, we have the following observations and recommendations to make to the Task Force and urge that they be incorporated into the report which you make to Parliament.

1. HISTORICAL PERSPECTIVE - LACK OF CONSULTATION OF NATIVE
PEOPLES

Notwithstanding our status as original inhabitants, the native peoples of Canada have never participated in or been consulted in the shaping of Canada's constitution or of its provisions that have particular application to us. The Inuit of Quebec, for example, were never consulted or even advised as to the passage of the 1912 Quebec Boundaries Extension Acts which had the effect of annexing our homeland, a vast northern territory, to the Province of Quebec without settling our native rights and titles to that land. This failure to consult cannot be explained as mere oversight on the part of the governments of the day. One result of the lack of Inuit participation in this process was that until fairly recently we were largely unaware of the significance of the constitutional division of powers between Canada and Quebec. We have found, furthermore, that the present arbitrary division of those powers insofar as their application to the Inuit of Quebec is concerned has not met our needs. In fact, our experience with the two senior levels of government has traditionally seen us used as pawns in a continuous tug-of-war between the federal and provincial administrations in Northern Quebec.

The absence of control over our own affairs or participation in the decisions which affect us has made it difficult for us to identify as either Canadians or Québécois. Despite all of the characteristics which set us apart as a distinct people in a defined region, namely, our language, culture, history, values and priorities, we have never exercised any acceptable level of self-determination.

2. NEED FOR MEANINGFUL NATIVE PARTICIPATION IN ANY
CONSTITUTIONAL REFORM

Our past history, therefore, has amply demonstrated to the Inuit of Quebec that we must not only be consulted but have a meaningful role in decisions concerning any constitutional reform which affect us. In view of the special status conferred upon native people in the British North America Act and other legislation, a suitable mechanism must be found to ensure the direct and meaningful participation of the native peoples of Canada in any constitutional review and reform process.

The native peoples residing in the Northern regions of Canada constitute a majority of the population in an area making up one-third of Canada. Without the assurance at this time of a guaranteed role in the process of constitutional reform,

we cannot conceive how the issue of Canadian unity can be satisfactorily resolved. Unless the fundamental problems that the native peoples have with the present constitution are settled, a major segment of Canada, namely, its arctic and sub-arctic regions, will continue to be burdened with the problems which presently exist.

3. NATURE AND SCOPE OF INUIT INTERESTS IN THE CONSTITUTIONAL PROCESS

We consider it a primary objective of the Inuit of Quebec to achieve a meaningful and defined role for the native peoples of Canada as mentioned above. In this regard, the Inuit of Northern Quebec are interested in all of the constitutional subject matters which may come under discussion. Without limiting ourselves, however, some examples of our present concerns include the following:

i) Federal trust responsibility

As you are aware, in virtue of section 91(24) of the British North America Act, 1867, the federal government exercises a trust responsibility in respect of Canada's native peoples. We are of the opinion that any process of constitutional reform must include a re-assessment of the operation of the

federal role. In view of the general dissatisfaction of the native peoples of Canada with the manner in which the federal government has exercised its obligations under this section, the Inuit of Quebec intend to make specific proposals with respect to this section whether or not this issue is raised by the federal or provincial governments.

ii) Coastal and offshore areas

In common with the Inuit of Alaska, Greenland, the Northwest Territories and Labrador, the Inuit of Northern Quebec have extensive interests in coastal and offshore areas. We presently derive a major portion of our harvest from wildlife resources which are found in these coastal and offshore areas around the northern boundaries of Quebec.

Whether the offshore islands and waters surrounding northern Quebec are the subject of constitutional amendment, either in terms of an extension of provincial boundaries or a change in jurisdiction over or management of these areas, the Inuit must adequately participate in and represent their own interests at the appropriate regulatory bodies. This applies both to environmental and coastal management of the offshore area as well as to the setting of quotas for marine mammals which increasingly has significance at the international level.

To date, however, the federal government has virtually excluded us from such participation and in many instances has failed to consult us.

iii) The James Bay and Northern Quebec Agreement

We have referred earlier to the James Bay Northern Quebec Agreement. This agreement created a special relationship between the Inuit and the federal and provincial governments. Both governments have undertaken specific obligations under the present constitutional system towards the Inuit of Quebec in exchange for the extinguishment of their aboriginal title in Northern Quebec. It is, therefore, imperative that the Inuit receive adequate guarantees as to the assumption of all federal and provincial obligations provided in their favour in the Agreement before any constitutional reforms are made. More specifically, the Inuit would want to know how these obligations will be fulfilled and who shall assume them under any such reform.

iv) Cultural rights

The constitutional and unity debates across Canada have for some time centered upon the issues of language, education and communications. With respect to language and education, there continues to be serious controversy over the

issue of minority rights. We favour the entrenchment of minority rights in these areas in a new constitution, provided that there is adequate provision and recognition of such rights for the native peoples of Canada in order to ensure the protection of their respective cultures.

With respect to communications, Quebec has repeatedly taken the position that exclusive control over this area is a vital means of protecting the francophone culture. The Inuit of Quebec are of the opinion that there must be, in any new constitution, provisions guaranteeing participation in and access to the various forms of communications by Canada's native peoples, as well as control by them of local and regional television and radio programming so as to insure the protection and development of their respective cultures.

v) Northern development

Finally, it has become increasingly evident that northern development is to play a vital role in Canada's future in terms of resources and energy. As we have stated earlier, the native peoples of Canada are the dominant population in these northern areas. Northern development must, we feel, also satisfy local and regional needs. Any constitutional or jurisdictional reform must include provisions respecting the

development of Canada's renewable and non-renewable resources so as to guarantee Canada's native peoples a proper role in the development process. Northern development must not proceed at the expense of native people, their communities and their cultures. Moreover, a fair share of the benefits arising from development must accrue on a regional basis to northern peoples and their regional institutions.

CONCLUSIONS AND RECOMMENDATIONS (SUMMARY)

1. The unity debate and constitutional reform must not be limited to issues facing the two founding peoples in Canada. Native people as the original inhabitants of Canada must be given meaningful and active participation in this most significant process.
2. A suitable mechanism must be worked out, in collaboration with native people, to provide the abovementioned role for the native people of Canada.
3. Constitutional reform must achieve an acceptable level of self-determination for native people, particularly in northern regions where they are the dominant populations.

4. The Inuit of Northern Quebec are interested in all the subject matters of constitutional reform which may come under discussion. Without limiting the foregoing, the Inuit recommend that constitutional reform include:

a) an adequate reassessment of the federal trust responsibility for the native people of Canada under s. 91 (24) of the BNA Act, 1867;

b) adequate participation by Inuit in appropriate regulatory bodies dealing with coastal and environmental management of the offshore areas as well as the setting of quotas for marine mammals in such areas;

c) adequate guarantees that the James Bay and Northern Quebec Agreement will be respected should constitutional reform take place;

d) adequate protection and entrenchment of cultural rights in the area of language, education and communications; and

e) in the event of northern development, adequate protection of and participation by the native peoples, their communities and regional institutions.

